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Remarks

Claims 1-4, 19-22, 36 and 45 are currently under examination.

Rejections under 35 U.S.C. §101

Claim 45 was rejected under 35 U.S.C. §101 as directed to non-statutory subject matter. Applicant's have amended claim 45 to overcome this rejection, and request that it therefore be withdrawn.

Rejections under 35 U.S.C. §102

Claims 1-4, 19-22, 36 and 45 were rejected under 35 U.S.C. §102(e) as anticipated by Skene et al (hereinafter "Skene") U.S. Publication 20010049741.

Skene:

Skene describes, in the Abstract:

"...A system and method for balancing the load on virtual servers managed by server array controllers at separate data centers that are geographically distributed on a wide area network such as the Internet. The virtual servers provide access to resources associated with a domain name request by a client program. When a Primary Domain Name System (DNS) determined the requested domain name is delegated to a EDNS, the EDNS employs metric information and statistics to resolve an ip address for a virtual server that is selected by the EDNS to optimally balance the load and provide access to resources associated with the domain name. The EDNS may employ a static or a dynamic load balancing method to select the virtual server most suited to balance the load across all of the virtual servers..."

Although Skene describes that the 'EDNS may employ a static or dynamic load balancing level, Skene neither describes nor suggests the elements of claim 1. Claim 1, as amended, now recites "...A method, associated with a domain name system server, of controlling the transfer of information via a network, said method comprising ... receiving, from a client device, a request for a network address that is associated with a service, *the request including a service authorization handle for indicating that the client is authorized for a level of service for the*

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handling of the request ... selecting a respective one of a plurality of network addresses each of which corresponds to a respective one of a plurality of servers that are available to provide said service at the authorized level of service; and transmitting, to said client device, said respective one of said plurality of network addresses so that said client device may transmit at least one service request associated with said service that is to be directed to said respective one of a plurality of network addresses...."

Skene neither describes nor suggests receiving a 'service authorization handle' or 'selecting ... one of a plurality of service that are available to provide said service at the authorized level of service' as recited in claim 1 and the independent claims 19, 36 and 45.

The Examiner stated, at page 4 of the Office Action, that Skene discloses "transmitting, to a database, a request to determine whether said client is associated with at least one quality of service level (paragraph 0097)... selecting said respective one of said plurality of network addresses based on said response (paragraph 0093)..."

Applicants note that the portions of Skene relied on by the Examiner deal with load balancing at the EDNS. At paragraph 89, Skene states 'load balancing method is selected to determine the optimal virtual server to provide access to resources associated with the requested domain name...' While Skene describes a QoS load balancing algorithm in paragraph 0097, it is unclear how it is used to select a virtual server, and there is no description or suggestion of a client forwarding a request including 'a service authorization handle' as recited in Applicant's claims.

Accordingly, for at least the reason that Skene fails to teach every limitation in the independent claims 1, 19, 36 and 45, the rejection of under 35 U.S.C. §102 should be withdrawn. Dependent claims 2-4 and claims 20-22 serve to add further patentable limitations to respective independent claims 1 and 19, and thus are allowable for at least the same reasons as their parent claims.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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